REMARKS

Claims 1, 3, 4, 5, 14, 15 and 16 stand finally rejected in this application.
The Examiner's reconsideration of the final rejection is respectfully requested in view of the following comments.

Claims 1, 3, 4, 5, 14, 15 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2004/0062398 to Unger (*Unger*) in view of U.S. Patent Publication 2004/0083177 to Chen *(Chen)*.

Applicants respectfully continue to disagree with the rejection under 35 U.S.C. §103(a).

Claim 1 is directed to a method of recording scrambled digital data and recites that the descrambling key periodically changes value. Claim 1 continues reciting that the descrambling key of at least one of the plurality of control packets is identical to at least one descrambling key of the preceding control packet. At step (c), claim 1 positively recites that control packets with a changed descrambling key are stored in a table, and continues reciting that control packets with an **unchanged** descrambling key are **not** stored. Finally step (d) recites that the data stream and the table are recorded on a data storage medium.

The method of forming the table in step (c) is very germane to Applicants' invention. Applicants form a short table that contains only entries relating to changes of descrambling keys. Stated differently, the table of step (c) contains no duplicated descrambling keys. Step (c) further recites that descrambling keys that have not changed are not stored.

In claim 15, Applicants' feature relating to forming a table containing non-duplicated descrambling keys is positively recited.

In claim 16, Applicants' method of table creation is recited again, but differently. Specifically claim 16 recites creating a table of control packets containing the descrambling key when the descrambling key value is absent from the table. In claim 16 only values that are not present in the table can be added.

Thus, Applicants' inventive method of claims 1, 15 and 16 forms a short table containing only entries relating to changes of descrambling keys.

In the current Final Action dated December 1, 2009, at page 2, Response to Arguments the Examiner asserts,

> "Examiner points to Unger Figure 3, where keys are stored only if different (odd, even) and the packets between them do not store a key."

The Examiner's characterization of *Unger's* Figure 3 is incorrect.

Figure 3 fails to show the Examiner's assertion that keys are stored only if different (odd, even). In Figure 3 the second column (keys and bits) shows Even Key entries for packets 1 and packet 2. Similarly Odd Key entries show packet n and packet n+1.

At [0027] *Unger* describes the table of Figure 3 and discloses that

> "For each packet, its PUSI bits (indicating whether the packet represents a start of a frame) and TSC bits **(indicating the key polarity for that packet)** are set forth in the right column. Interspersed at the appropriate times/packet numbers are the ECM keys that were stripped out of the stream."

Unger's Figure 3 and description discloses storing the key when the value changes and teaches storing all the received keys. Figure 3 shows that multiple keys are stored with each entry indicating the key polarity for the respective packet. Furthermore, since Figure 3 shows entries grouped by Odd and Even keys, it is clear from Figure 3 that each key type contains multiple entries in the table. In addition, *Unger* makes no mention of the Examiner's assertion that,

> "the packets between them do not store a key".

Indeed, *Unger* discloses forming the table of Figure 3 from keys stripped from ECM packets. However, *Unger* definitely does not teach that the key is not stored if the value hasn't changed. Neither does *Unger* describe or suggest that the table be formed with only entries relating to different descrambling key values. Nor does *Unger* make any suggestion that the table contain non-duplicated descrambling key values. *Unger* provides absolutely nothing in the disclosure that even suggests that the keys are not stored if they are already stored.

In view of the above, *Unger* does not describe, or suggest, forming a table containing only different descrambling key values as required by Applicants' claims 1 and 16. Furthermore *Chen* provides no teaching that remedies this deficiency in *Unger*'s formation of the key values table. As a result, the combination of *Unger* and *Chen* does not yield Applicants' claimed invention. Thus Applicants' claims 1 and 16 are not obvious and are patentable over *Unger* in view of *Chen*. Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested together with the allowance of claims 1 and 16.

Claims 3, 4, 5 ,14 and 15 depend from claim 1 and are, for the same reasons, not obvious and patentable over *Unger* in view of *Chen* and the prior art of record. Withdrawal of the rejection and the allowance of claims 3, 4, 5 ,14 and 15 is respectfully requested.

It is believed that the objections set forth in the Final Official Action have been fully met, and reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

No additional fees are believed to be due, however, if there are any additional charges in connection with this application, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
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